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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,191	11/03/2003	Kazunori Ishii	9281-4700	3984
<div>7590 02/05/2008 Brinks Hofer Gilson &amp; Lione P.O. Box 10395 Chicago, IL 60610</div>			<div>EXAMINER WILLS, LAWRENCE E</div>	
			<div>ART UNIT 2625</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 02/05/2008</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/700,191	<b>Applicant(s)</b> ISHII ET AL.	
	<b>Examiner</b> Lawrence E. Wills	<b>Art Unit</b> 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/2/2007</u> .   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's amendments to the specifications have been noted.
2. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima (US Pub No. 2002/0093682) in view of Sakamoto (JP Pub No. 2001-111928).

Regarding claim 1, Nakajima'682 teaches a printer able to select and print arbitrary image data among plural image data recorded to a recording medium (An image processing apparatus includes a read and analysis unit that analyzes print setting items recorded by a printer and stored in a memory card, and a generation unit that generates additional data relating to print settings required upon printing by the printer based on the

print setting items analyzed, Abstract) together with a making date (image process, for example, trimming data, rotation data, date and time print, title print and the like, paragraph 0060) wherein, in a case where printing processing is started, when automatic printing information for automatically printing a set of image data selected in advance is recorded to said recording medium, printing according to the automatic printing information is executed (When the memory card 109 is connected to the IF section 202, and an "automatic print" key (not shown) on a print operation section 203 is depressed, a print data analysis section 204 analyzes various data that are inputted from the memory card 109 through the IF section 202, and image data is outputted to an image processing section 205 and automatic print data is outputted to a printer control section 206, paragraph 34)

Nakajima'682 fails to teach when said automatic printing information is not recorded, the making dates of the plural image data are compared and the newest image data is printed. However, Sakamoto'928 teaches the making dates of the plural image data are compared and the newest image data is printed (means which can choose the image sorted in order of the date also in ascending order or descending order is offered. The image newest by easy actuation can be outputted in a short time, paragraph 0021).

Having a system of Nakajima'682 reference and then given the well-established teaching of Sakamoto'928 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Nakajima'682 reference as taught by Sakamoto'928 reference, since Sakamoto'928 reference suggested the newest image prints immediately and when printing more than one image it would be located at the tail end (paragraph 0016)

Regarding claim 2, Nakajima'682 teaches wherein said recording medium is the recording medium of a digital camera (Figure 1(b) and 1(c)).

Regarding claim 3, Nakajima'682 teaches wherein said automatic printing information is a DPOF (Digital Print Order Format) file (DPOF set, paragraph 0055).

Regarding claim 4, Nakajima'682 teaches a printing method of a printer for selecting and printing arbitrary image data among plural image data recorded to a recording medium (An image processing apparatus includes a read and analysis unit that analyzes print setting items recorded by a printer and stored in a memory card, and a generation unit that generates additional data relating to print settings required upon printing by the printer based on the print setting items analyzed, Abstract) together with a making date (image process, for example, trimming data, rotation data, date and time print, title print and the like, paragraph 0060), the method comprising:

in a case where printing processing is started, printing according to automatic printing information when the automatic printing information for automatically printing a set of image data selected in advance is recorded to said recording medium (When the memory card 109 is connected to the IF section 202, and an "automatic print" key (not shown) on a print operation section 203 is depressed, a print data analysis section 204 analyzes various data that are inputted from the memory card 109 through the IF section 202, and image data is outputted to an image processing section 205 and automatic print data is outputted to a printer control section 206, paragraph 34)

Nakajima'682 fails to teach comparing the making dates of the plural image data and printing the newest image data when said automatic printing information is not recorded. However, Sakamoto'928 teaches the making dates of the plural image data are compared and the newest image data is printed (means which can choose the image sorted in order of the date also in ascending order or descending order is offered. The image newest by easy actuation can be outputted in a short time, paragraph 0021).

Having a system of Nakajima'682 reference and then given the well-established teaching of Sakamoto'928 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Nakajima'682 reference as taught by Sakamoto'928 reference, since Sakamoto'928 reference suggested the newest image prints immediately and when printing more than one image it would be located at the tail end (paragraph 0016)

Regarding claim 5, Nakajima'682 teaches wherein said automatic printing information is a DPOF (Digital Print Order Format) file (DPOF set, paragraph 0055).

Regarding claim 6, Nakajima'682 teaches a printer (number 201, Fig. 2a) comprising: a CPU (central processing unit) (number 205, Fig. 2a) that reads a plurality of image data recorded on a recording medium and executes controls for printing at least one image data of the plurality of image data; an image data selecting section (number 204, Fig. 2a) connected to the CPU (Fig. 2a, Print Data Analysis Section, 204, is connected to Image Processing Section, 205) that, when printing processing is started, selects the at least one image data, the image data selecting section retrieving whether automatic

printing information is recorded on the recording medium, and selects the at least one image data selected from the automatic printing information when the automatic printing information is recorded on the recording medium (When the memory card 109 is connected to the IF section 202, and an "automatic print" key (not shown) on a print operation section 203 is depressed, a print data analysis section 204 analyzes various data that are inputted from the memory card 109 through the IF section 202, and image data is outputted to an image processing section 205 and automatic print data is outputted to a printer control section 206, paragraph 34), a driving section (number 207, Fig. 2a) that accepts commands from CPU for printing the at least one image data (the printer engine 207 outputs prints based on the image data inputted from the image processing section 205, paragraph 0036); and a recording head (photosensitive drum, paragraph 0039) connected to the driving section and that prints the at least one image data (transferred onto the paper, paragraph 0040). Nakajima'682 fails to teach compares making dates of the plurality of image data and selects the image data having a newest making date when the automatic printing information is not recorded on the recording medium Sakamoto'928 teaches compares making dates of the plurality of image data and selects the image data having a newest making date when the automatic printing information is not recorded on the recording medium (means which can choose the image sorted in order of the date also in ascending order or descending order is offered. The image newest by easy actuation can be outputted in a short time, paragraph 0021) Having a system of Nakajima'682 reference and then given the well-established teaching of Sakamoto'928 reference, it would have been obvious to one having ordinary skill in

the art at the time the invention was made to modify the system of Nakajima'682 reference as taught by Sakamoto'928 reference, since Sakamoto'928 reference suggested the newest image prints immediately and when printing more than one image it would be located at the tail end (paragraph 0016)

Regarding claim 7, Nakajima'682 teaches wherein said recording medium is the recording medium of a digital camera (Figure 1(b) and 1(c)).

Regarding claim 8, Nakajima'682 teaches wherein said automatic printing information is a DPOF (Digital Print Order Format) file (DPOF set, paragraph 0055).

Regarding claim 9, Nakajima'682 teaches wherein said automatic printing information is a DPOF (Digital Print Order Format) file (DPOF set, paragraph 0055).

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



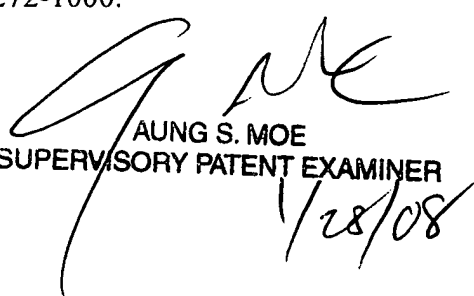
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence E. Wills whose telephone number is 571-270-3145. The examiner can normally be reached on Monday-Friday 7:30 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LEW  
January 28, 2008

  
AUNG S. MOE  
SUPERVISORY PATENT EXAMINER  
1/28/08